

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Michael S. McManus
Bankruptcy Judge
Sacramento, California

June 9, 2014 at 10:00 a.m.

1. 08-21220-A-12 JIM VANTRESS MOTION TO
JPJ-1 DISMISS CASE
5-7-14 [257]

Tentative Ruling: The motion will be granted and the case will be dismissed.

The chapter 12 trustee moves for dismissal because the debtor is \$2,189 delinquent under the terms of the chapter 12 plan.

11 U.S.C. § 1208(c) provides that "on request of a party in interest, and after notice and a hearing, the court may dismiss a case under this chapter for cause, including . . . (6) material default by the debtor with respect to a term of a confirmed plan."

The debtor's delinquency includes default on approximately seven plan payments. The court concludes that the debtor is in material default for purposes of 11 U.S.C. § 1208(c)(6). This is cause for dismissal. Accordingly, the motion will be granted and the case will be dismissed.

2. 14-24002-A-11 BELLA PROPIEDAD LLC STATUS CONFERENCE
4-18-14 [1]

Tentative Ruling: None.

3. 14-24122-A-11 NGANE PHOMMACHANH STATUS CONFERENCE
4-22-14 [1]

Tentative Ruling: None.

4. 14-24122-A-11 NGANE PHOMMACHANH ORDER TO
SHOW CAUSE
5-27-14 [33]

Tentative Ruling: The case will be converted to one under chapter 7.

This order to show cause was issued because the debtor in possession failed to appear at the initial status conference on May 27, 2014. This was despite the fact that the order setting the conference specifically ordered the debtor to appear in person.

This lack of diligence is compounded by the fact that the debtor filed an earlier chapter 13 case on March 10, 2014, Case No. 14-22423, and that case was dismissed because the debtor failed to timely propose a plan.

This chapter 11 case was then filed on April 22. In it, the debtor sought to

June 9, 2014 at 10:00 a.m.

extend the automatic stay. That motion was denied. Therefore, any attempt to reorganize will be crippled due to the absence of a stay enjoining creditors from enforcing their rights against the debtor.

Also, the response to the order to show cause demonstrates that the debtor's business was closed on May 31.